

Message Text

CONFIDENTIAL

PAGE 01 BANGKO 11603 01 OF 02 171253Z

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ACTION EA-14

INFO OCT-01 ISO-00 CIAE-00 PM-07 H-03 INR-11 L-03 NSAE-00

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INFO DIA

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AMEMBASSY KUALA LUMPUR

AMEMBASSY PHNOM PENH

AMEMBASSY RANGOON

AMEMBASSY SAIGON

AMEMBASSY SINGAPORE

AMEMBASSY TAIPEI

AMEMBASSY VIENTIANE

AMCONSUL SONGKHLA

AMCONSUL UDORN

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C O N F I D E N T I A L SECTION 1 OF 2 BANGKOK 11603

CINCPAC FOR POLAD

E.O. 11652: GDS

TAGS: PGOV, PINT, TH

SUBJECT: ELECTION TIMETABLE AND THE CONSTITUTION DRAFTING
PROCESS

REF: A. BANGKOK 9113

B. BANGKOK 5456

C. BANGKOK 5670

D. FBIS D131303Z JUL 74

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PAGE 02 BANGKO 11603 01 OF 02 171253Z

3. BANGKOK 4735

SUMMARY: THE GOVERNMENT SENT THE DRAFT CONSTITUTION TO THE NATIONAL LEGISLATIVE ASSEMBLY (NLA) IN LATE FEBRUARY. AN NLA COMMITTEE IS PRESENTLY REVIEWING AND AMENDING THE TEXT IN PREPARATION FOR ITS SECOND READING. THE SECOND READING WILL ENTAIL CONSIDERABLE DISCUSSION, BUT THE THIRD, AND FINAL, READING WILL BE PRO FORMA. CEREMONIAL REQUIREMENTS WILL DELAY THE KING'S PROMULGATION FOR ONE MORE MONTH. ELECTIONS WILL PROBABLY BE HELD AROUND DECEMBER 1974 OR JANUARY 1975.

ONCE THE DRAFT CONSTITUTION PASSES THE THIRD READING, THE NLA WILL PROBABLY TURN ITS ATTENTION TO THE POLITICAL PARTIES LAW AND THE ELECTION LAW. POLITICAL PARTIES WILL THUS BECOME LEGAL, STIMULATING LONG-AWAITED ORGANIZATIONAL AND CAMPAIGN ACTIVITIES. END SUMMARY.

1. THE SANYA GOVERNMENT MET ITS DEADLINE FOR DRAFTING THE NEW CONSTITUTION AND SENDING IT TO THE NLA, BUT AFTER THAT THE PROMULGATION TIMETABLE SLIPPED. THE GOVERNMENT'S SIX-MONTH INITIAL DEADLINE FOR PROMULGATION WAS UNREALISTIC, BECAUSE IT ASSUMED PASSIVE NLA DELIBERATION, IGNORED NLA RULES OF DEBATE, AND DID NOT TAKE INTO ACCOUNT CEREMONIAL REQUIREMENTS. FURTHERMORE, THE GOVERNMENT HAS NOT PROVIDED LEADERSHIP OR CONSTANT PRESSURE ON THE "PART-TIME" ASSEMBLY TO PROMULGATE THE BILL. PRIME MINISTER SANYA THAMMASAK SET THE TONE FOR LIMITED GOVERNMENT STEERING OF THE CONSTITUTION THROUGH THE LEGISLATURE WHEN HE SAID IN A PRESS CONFERENCE ON JUNE 1 THAT "THE GOVERNMENT INTRODUCED IT (THE CONSTITUTION) IN THE ASSEMBLY AND IT IS THE DUTY OF ALL ASSEMBLY MEMBERS TO STUDY IT AND MAKE DECISIONS. IT IS NO LONGER THE RESPONSIBILITY OF THE GOVERNMENT." CONSISTENT WITH THIS ATTITUDE, NO GOVERNMENT WHIP WAS APPOINTED TO STEER LEGISLATION THROUGH THE ASSEMBLY. YET SANYA DID ADD THAT: "IT IS THE GREATEST DESIRE OF THIS GOVERNMENT FOR THE CONSTITUTION TO BE PROMULGATED AND PUT INTO FORCE SPEEDILY" (REF A).

2. THE NLA BEGAN ITS FIRST READING OF THE DRAFT ON MARCH
CONFIDENTIAL

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PAGE 03 BANGKO 11603 01 OF 02 171253Z

7 AND PASSED IT ON APRIL 2 (REF B). THE ASSEMBLY THEN APPOINTED 33 ASSEMBLYMEN AND TWO PEOPLE FROM OUTSIDE THE ASSEMBLY TO A CONSTITUTION SECURITIZING COMMITTEE CHARGED WITH REVIEWING THE DRAFT (REF C). THE COMMITTEE FIRST MET ON APRIL 10 AND ELECTED OFFICERS, INCLUDING CHAIRMAN PHAIROT CHAIYANAN (RETIRED AMBASSADOR TO WASHINGTON) AND SPOKESMAN CHALOENCHAI WASINON (SPECIAL LEGAL ADVISER, COMPTROLLER GENERAL DEPARTMENT MINISTRY OF

FINANCE). THE ASSEMBLY ALSO PASSED A REGULATION THAT NLA MEMBERS MUST SUBMIT PROPOSED AMENDMENTS TO THE COMMITTEE WITHIN 45 DAYS. THE COMMITTEE BEGAN MEETING ON WEDNESDAYS AND SATURDAYS. AT ITS MAY 11 MEETING IT DECIDED TO ADD AN HOUR SESSION THURSDAY MORNINGS. AFTER 25 SESSIONS THE COMMITTEE ANNOUNCED JUNE 12 THAT IT HAD COMPLETED INITIAL REVIEW OF THE DRAFT AND HAD FORMULATED COMMITTEE-SPONSORED CHANGES. THE COMMITTEE IS PRESENTLY HEARING ARGUMENTS FROM NON-COMMITTEE MEMBERS ON AMENDMENTS WHICH THEY SUBMITTED DURING THE 45 DAY "OPEN SEASON)".

3. DR. KAMON SOMWICHIAN, A MEMBER OF THE SCRUTINIZING COMMITTEE, TOLD US JULY 4 THAT THE COMMITTEE MEMBERS FEEL STRONG PRESSURE FROM THE PUBLIC TO PROCEED RAPIDLY WITH ITS BUSINESS. REVIEW OF THE INDIVIDUAL AMENDMENTS OFFERED BY THE 93 NLA MEMBERS, HOWEVER, REQUIRES AN INORDINATE AMOUNT OF TIME. DESPITE THE REDUNDANCY OF MOST OF THE INDIVIDUAL AMENDMENTS, THE COMMITTEE FEELS OBLIGATED TO GIVE EACH PROPOSER A CHANCE TO APPEAR BEFORE THE COMMITTEE.

4. CHAIRMAN OF THE SCRUTINY COMMITTEE, PHAIROT, SAID ON APRIL 12 THAT THE COMMITTEE WOULD COMPLETE ITS DELIBERATIONS WITHIN 90 DAYS. THE COMMITTEE SHOULD MISS THIS MID-JULY DEADLINE BY NO MORE THAN A FEW DAYS. ONCE THE COMMITTEE'S WORK IS COMPLETED, HOWEVER, ONE WEEK WILL BE REQUIRED TO PRINT THE ALTERED DRAFT IN BOOKLET FORM. TEN DAYS HAVE BEEN SET ASIDE FOLLOWING THAT FOR THE NLA TO STUDY THE BOOKLET BEFORE FLOOR DEBATES BEGIN. THE NLA WILL PROBABLY BEGIN THE SECOND READING OF THE DRAFT CONSTITUTION IN EARLY AUGUST. THE SECOND READING, LIKE THE FIRST, WOULD PROBABLY CONSUME FOUR WEEKS OF DEBATE
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 BANGKO 11603 01 OF 02 171253Z

AND NOT END UNTIL SEPTEMBER IF THE CURRENT NLA MEETING SCHEDULE WERE MAINTAINED. THE PRIME MINISTER HAS PUBLICLY COMMITTED THE NLA TO MEET FIVE DAYS AND NIGHTS WEEKLY, HOWEVER, IN ORDER TO HASTEN THE SECOND READING (REF D). THE THIRD READING, AROUND MID-AUGUST IF THE NLA DOES MEET CONTINUOUSLY, WILL BE A PRO FORMA "YES" OR "NO" BEFORE THE NLA PASSES THE CONSTITUTION, PROBABLY UNANIMOUSLY.

5. CEREMONIAL CONSIDERATIONS WILL DELAY FURTHER THE PROMULGATION OF THE CONSTITUTION. A SOURCE AT THE NLA SECRETARIAT POINTS OUT THAT IMPORTANT LEGISLATION SUCH AS A CONSTITUTION MUST BE HANDWRITTEN ONTO SPECIAL PARCHMENT IN THREE COPIES. ALTHOUGH THERE ARE THREE QUALIFIED SCRIBES, THIS PROCESS MAY TAKE FOUR WEEKS, OR INTO LATE SEPTEMBER. SINCE OCTOBER 14 IS THE ANNIVERSARY OF THE

CHANGE IN GOVERNMENT, THIS WOULD BE A RESPECTABLE PROMULGATION DATE. THE KING, HOWEVER, COULD SELECT ANY OTHER DATE ON THE ADVICE OF THE COURT ASTROLOGER.

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PAGE 01 BANGKO 11603 02 OF 02 171331Z

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C O N F I D E N T I A L SECTION 2 OF 2 BANGKOK 11603

CINCPAC FOR POLAD

6. ARTICLE 221 OF THE DRAFT CONSTITUTION CALLS FOR ELECTIONS WITHIN 90 DAYS OF PROMULGATION. ALTHOUGH SOME MINISTRY OF INTERIOR OFFICIALS COMPLAIN MORE TIME IS NEEDED TO PREPARE FOR ELECTIONS, THE NLA WILL PROBABLY RETAIN THE 90 DAY PROVISION. THIS SHOULD PLACE ELECTIONS AROUND DECEMBER AT THE EARLIEST, OR THE FIRST PART OF

JANUARY 1975.

7. CRITICISMS OF THE TIMETABLE. NEWSPAPER EDITORIALS
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PAGE 02 BANGKO 11603 02 OF 02 171331Z

HAVE INTERMITTENTLY URGED ALL DELIBERATE SPEED IN PASSING THE CONSTITUTION. DURING PERIODS OF GREAT UNCERTAINTY SUCH AS THE MAY CABINET RESHUFFLE OR THE PHLAPHLACHAI PRECINCT RIOTS, THERE HAVE BEEN ISOLATED, BUT INCREASING CALLS FOR IMMEDIATE ELECTIONS, BUT SUCH PLEAS HAVE BEEN GENERALLY IGNORED. THERE HAS BEEN A STEADY UNDERCURRENT OF ANTICIPATION, BUT NO PRESSURE GROUPS ACTIVELY AND CONTINUALLY PUSH FOR QUICK PROMULGATION. SINCE THE ASSEMBLY DEBATES ARE NATIONALLY BROADCAST AND THE SCRUTINY COMMITTEE ISSUED PERIODIC REPORTS ON ITS PROGRESS, THE PUBLIC KNOWS THAT SOMETHING IS BEING ACCOMPLISHED. CRITICS HAVE COMPLAINED ABOUT "GRANDSTANDING" AND "ELECTIONEERING", BUT THE SANYA GOVERNMENT HAS THUS FAR AVOIDED ANY SUSPICIONS THAT IT IS STALLING THE CONSTITUTION.

8. AT VARIANCE WITH HIS INITIALLY RELAXED STAND, SANYA HAS RECENTLY CONTRIBUTED PUBLICLY TO THE SUBTLE PRESSURES FOR ACCELERATING PROMULGATION. ASSUMING THAT HE HAS NOT CHANGED HIS MIND ABOUT WANTING TO GIVE UP THE JOB AS SOON AS POSSIBLE, HE REALIZES HE WILL BE ABLE TO DO SO ONLY AFTER THE ELECTIONS. THE VIEW THAT AN ELECTED GOVERNMENT MIGHT BE ABLE TO COPE MORE SUCCESSFULLY WITH NATIONAL PROBLEMS MAY ALSO BE WORMING ITS WAY INTO THE NATIONAL CONSCIOUSNESS.

THE POLITICAL PARTIES LAW

9. LEGAL RESTRAINTS TO THE FORMATION OF POLITICAL PARTIES HAVE NOT YET BEEN LIFTED IN THAILAND. AT ITS JANUARY 25 MEETING THE NLA PASSED A BILL IN ONE SITTING THAT ABOLISHED NATIONAL EXECUTIVE COUNCIL DECREE NUMBER 4 WHICH BANNED POLITICAL GATHERINGS. IN THE ABSENCE OF A POLITICAL PARTIES LAW, POLITICAL GROUPINGS CANNOT PRESENTLY CONVERT THEMSELVES INTO PARTIES.

10. THE DRAFT OF A POLITICAL PARTIES BILL RECEIVED CABINET APPROVAL IN FEBRUARY, BUT THE PRESS OF LEGISLATIVE BUSINESS WAS SUCH THAT THE NLA DID NOT CONDUCT THE FIRST READING UNTIL ITS APRIL 19 SESSION. DISCUSSION BEGAN WHEN AN EARLIER MOTION TO ABOLISH NEC DECREE 9 FOR-
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BANGKO 11603 02 OF 02 171331Z

BIDDING POLITICAL PARTIES WAS SET ASIDE. AFTER TWO HOURS OF DEBATE THE POLITICAL PARTIES BILL PASSED 133 TO 12 AND WAS REFERRED TO THE ADMINISTRATIVE COMMITTEE WHICH IS RESPONSIBLE FOR REPORTING IT OUT TO THE FLOOR.

11. NO FURTHER ACTION ON THE POLITICAL PARTIES BILL CAN BE TAKEN UNTIL THE ASSEMBLY HAS MADE ITS FINAL DECISION ON THE CONSTITUTION, BECAUSE THE BILL IS ENACTING LEGISLATION OF CERTAIN CLAUSES WITHIN THE CONSTITUTION. ONCE THE CONSTITUTION HAS PASSED ITS THIRD READING, AND BEFORE PROMULGATION, THE ASSEMBLY WILL PROBABLY PASS THE BILL. THIS COULD BE AS EARLY AS MID-AUGUST.

12. THE POLITICAL PARTIES BILL WILL HAVE GREAT IMPORTANCE IN DETERMINING THE NUMBER AND SIZE OF PARTIES WHICH WILL COMPETE IN THE COMING ELECTIONS. WHILE CERTAIN PERSONALITIES ARE ALREADY MANEUVERING BY ANNOUNCING THEY HAVE "ESTABLISHED" A POLITICAL PARTY, THESE GROUPINGS REMAIN TECHNICALLY ILLEGAL. FEW IF ANY OF THESE GROUPS HAVE A BROAD BASE. FORMER PARLIAMENTARIANS, WHO WILL FORM THE BULK OF SOME OF THESE GROUPINGS, INDICATE TO US THAT WITHOUT A PARTIES LAW AND AN ELECTION LAW IT IS TOO EARLY TO COMMIT ONESELF TO ANY GROUPING.

THE ELECTION LAW

13. THE MINISTRY OF INTERIOR IS RESPONSIBLE FOR DRAFTING THE ELECTIONS LAW. THIS CRUCIAL LEGISLATION HAS NOT YET GONE TO THE NLA. LIKE THE POLITICAL PARTIES LAW IT WILL ENACT CERTAIN CLAUSES OF THE CONSTITUTION. THE MOST IMPORTANT ISSUE AT STAKE IS WHETHER ELECTIONS WILL BE AT-LARGE BY PROVINCE OR BY SMALLER SINGLE MEMBER ELECTORAL DISTRICT. MOST FORMER PARLIAMENTARIANS SUPPORT AT-LARGE ELECTIONS BECAUSE THEY ALREADY ARE THE KNOWN INCUMBENTS. NEWCOMERS AND SOME PROFESSORS FAVOR SINGLE MEMBER DISTRICTS BECAUSE IT PROVIDES GREATER POLITICAL ACCOUNTABILITY AND COSTS LESS FOR POLITICAL CAMPAIGNS SINCE CANDIDATES APPEAL TO FEWER VOTERS. ARTICLE 112 OF THE DRAFT CONSTITUTION ORIGINALLY CALLED FOR A SYSTEM OF ELECTORAL DISTRICTS, WHICH RETURN A MAXIMUM OF THREE REPRESENTATIVES

CONFIDENTIAL

CONFIDENTIAL

PAGE 04 BANGKO 11603 02 OF 02 171331Z

TO THE ASSEMBLY. THE PROVISIONS OF THE ELECTORAL LAW WILL HAVE A DEFINITE IMPACT ON THE ORGANIZATION OF POLITICAL PARTIES. FEW POLITICAL ORGANIZERS ARE WILLING TO COMMIT THEIR RESOURCES AND ESTABLISH THEIR STRUCTURES IN IGNORANCE OF WHAT THE IMPORTANT LAWS WILL BE.

COMMENT

14. FEW STEPS TOWARD THE PROMULGATION OF THE CONSTITUTION HAVE MET THE SANYA GOVERNMENT'S PUBLIC DEADLINES. WHILE THERE IS GENERAL AGREEMENT THAT THE COUNTRY SHOULD HAVE ELECTIONS AS SOON AS POSSIBLE, NO ONE ACCUSES THE GOVERNMENT OF DELIBERATELY WITHHOLDING THE CONSTITUTION.

15. THE GOVERNMENT MISSES ITS DEADLINES BECAUSE IT DOES NOT FULLY UNDERSTAND THE REQUIREMENTS OF THE LEGISLATIVE PROCESS AND BECAUSE IT WANTS THE CONSTITUTION TO FLOW FROM NATURAL AND UNHURRIED CAUSES. THE SANYA GOVERNMENT DOES NOT WANT TO DICTATE A CONSTITUTION, AND UP TO NOW HAS PUT LITTLE EFFECTIVE PRESSURE ON THE LEGISLATURE. SANYA'S RECENT STATEMENTS SUGGEST A REVERSAL OF THE PREVIOUS LAISSEZ FAIRE ATTITUDE.

16. WHILE THERE ARE POLITICAL STIRRINGS AND ANNOUNCEMENTS THAT POLITICAL PARTIES HAVE BEEN FORMED, MOST OF THIS IS JOCKEYING FOR POSITION FOR THE TIME WHEN POLITICAL PARTIES ARE LEGAL. SINCE THE BASIC GOVERNING LEGISLATION IS STILL IN THE HOPPER, FEW POLITICAL FIGURES ARE MAKING ANY MOVES WHICH MIGHT PUT THEM AT A DISADVANTAGE. POLITICIANS ARE KEEPING IN TOUCH, BUT MAKING FEW COMMITMENTS.

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